

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00656**

MICHAEL TINSLEY)	
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF CHARLOTTE,)	
)	
Defendant.)	

PLAINTIFF'S PETITION FOR AWARD OF ATTORNEYS' FEES AND COSTS
PURSUANT TO 42 U.S.C. §2000e-5(k)

Plaintiff, Michael Tinsley, by and through his undersigned counsel, respectfully moves this Court for an order awarding costs, expenses and attorneys' fees. In support of his petition, Plaintiff shows the following:

1. Plaintiff retained Geraldine Sumter and Ferguson, Chambers & Sumter, P.A. to represent him in connection with his claims against the Charlotte-Mecklenburg Police Department, City of Charlotte in December, 2013.

2. Plaintiff initiated this action on July 26, 2016, alleging that Defendant had been discriminated against by disciplinary action and his termination on the basis of race and sex, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*, as amended, and 42 U.S.C. Section 1983.

3. This matter was called for trial on March 19, 2019. A jury returned a verdict in Plaintiff's favor on his sex discrimination claim and awarded Plaintiff \$125,000.00 in compensatory damages. As a result of this verdict and the Court's Order on equitable relief, the

Plaintiff is the prevailing party in this matter and is entitled to an award of costs and attorneys' fees pursuant to 42 U.S.C. §1988 and Title VII of the Civil Rights Act of 1964.

4. In support of his petition, Plaintiff has attached as Exhibit A to his Memorandum in Support of the Petition for Attorneys' Fees, Expenses and Costs, the Declaration of Geraldine Sumter who has served as counsel from December, 2013 to the present. Ms. Sumter has expended over 600 of hours on this matter.

5. A copy of the firm's computerized billing records from December, 2013 through May, 2019 has been attached as Exhibit B to the Memorandum in support of this petition. These records detail the time expended by Ms. Sumter, her paralegal, Vicky Reddy, the tasks performed and the date said tasks were performed. With respect to Ms. Reddy's work on the case, she expended 69.7 hours and her hourly rate is billed at \$135 per hour. Amy Morancie, a third year law student, expended 55.3 hours on the case. Her time is billed at \$135 per hour.¹ Michael Littlejohn, an attorney brought in to assist with the trial, specifically taking trial notes and the management of the exhibits and witnesses, spent 71.2 hours and his time is charged at \$250 per hour.

6. Plaintiff has attached the Declarations of S. Luke Largess, Ray Owens, Josh Van Kampen and Margaret Maloney, lawyers who are familiar with the prevailing rates for attorneys' fees in civil rights matters and who are familiar with the experience and qualifications of Ms. Sumter. These Declarations, attached as Exhibit C to the Memorandum in support of this petition, establish the reasonableness of the hourly rates sought by Ms. Sumter.

7. As the attached Exhibit B shows, Plaintiff seeks attorneys' fees in the amount of \$280,357.50 (representing 623.05 hours at \$450 per hour), as well as compensation for the hours

¹ Ms. Morancie's time is recorded as "Law Clerks" or "LCA."

expended by Vicky Reddy in the amount of \$9,409.50 (representing 69.7 hours at \$135 per hour), Amy Morancie in the amount of \$7,465.50 (representing 55.3 hours at \$135 per hour) and Michael Littlejohn in the amount of \$17,800.00 (representing 71.2 hours at \$250 per hour.)

8. Mr. Tinsley further seeks reimbursement for the costs expended in this matter, including the payment of costs for copying, postage, deposition and expert witnesses and other related costs to the trial of this matter. A copy of the firm's accounting of expenses and costs associated with the litigation of the Plaintiff's case is attached to the Memorandum in support as Exhibit B.

Respectfully submitted, this 14th day of May, 2019.

/s/Geraldine Sumter

N.C. State Bar No. 11107

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